

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

RECEIVED

To:  
RICHARD A. REZEK  
BARNES & THORNBURG LLP  
11 SOUTH MERIDIAN STREET  
INDIANAPOLIS, IN 46204

DOCKETED

PCT

AUG 04 2005

BARNES &amp; THORNBURG

FOR

BY

DATE

CHECK'D BY

DATE

*Response/Comments Due*

WRITTEN OPINION OF THE

INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing

(day/month/year)

02 AUG 2005

Applicant's or agent's file reference

21799-76808

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US05/03531

International filing date (day/month/year)

28 January 2005 (28.01.2005)

Priority date (day/month/year)

29 January 2004 (29.01.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): E01C 19/22, 19/40 and US Cl.: 404/118, 114

Applicant

LINDLEY, JOSEPH

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Raymond W. Addie

Telephone No. 703 306-5771

*Raymond W. Addie*

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/03531

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing

- ☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format

- ☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in international application as filed.

- ☐ filed together with the international application in computer readable form.

- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US05/03531

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-7 and 9-14 YES

Claims 8,15 NO

Inventive step (IS)

Claims 6, 7, 11, 12, 18-20, 22 YES

Claims 1-5, 8-10, 13-17, 21, 23 NO

Industrial applicability (IA)

Claims 1-23 YES

Claims NONE NO

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 8, 15 lack novelty under PCT Article 33(2) as being anticipated by Haivala # 3,082,460.

Haivala discloses a concrete screed having a frame, adapted to move a screed bar over concrete, the screed bar having 2 interior regions and a 1<sup>st</sup> and 2<sup>nd</sup> attachment portion (27, 28). A mount (15) coupling the bar mover to the screed bar, the mount having a core (at 16) positioned in the interior regions of the screed bar, and a 1<sup>st</sup> and 2<sup>nd</sup> anchors (34, 35) anchoring the 1<sup>st</sup> and 2<sup>nd</sup> attachment portions (27, 28) to the core without the 1<sup>st</sup> and 2<sup>nd</sup> attachment portions extending into the interior region of said screed bar.

Claims 1, 2, lack an inventive step under PCT Article 33(3) as being obvious over Naser et al. # 4,702,641 in view of Lindley # 5,244,305.

Naser et al. discloses a concrete screed (10) comprising: A frame (44, 46, 48) with 1<sup>st</sup> and 2<sup>nd</sup> feet (50, 52); A tubular screed bar (12) having a core of reinforcement material (24); and a mount (36) coupling the frame (44, 46, 48); and anchor means (such as a clevis pin) for anchoring the feet to the core without the feet extending into the interior of the screed bar (12).

What Naser et al. does not disclose is the use of a vibration generating device. However, Lindley teaches it is known to provide vibration generating devices (17) to concrete screed bars (20), in order to improve compaction of wet concrete.

Claims 3-5 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Haivala # 3,082,460. Naser et al. in view of Lindley discloses a concrete screed having a reinforced screed bar (12) having a rectangular cross-section. But does not disclose a compound rectangular/triangular screed bar.

However, Haivala teaches a concrete screed having a frame, and a screed bar having a rectangular portion and a triangular portion, forming 1<sup>st</sup> and 2<sup>nd</sup> chambers, separated by an interior wall (15). The triangular shaped portion being specifically designed to flatten, level or scrape a mass of wet concrete.

Claims 9, 16, 17, 23 lack an inventive step under PCT Article 33(3) as being obvious over Haivala in view of Rijkers # 6,322,286 B1. Haivala discloses a concrete screed, having an imperforated, tubular screed bar; but does not disclose inserting a fastener into the interior of the screed bar. However, Rijkers teaches it is known to provide concrete screeds with a mounting bracket (9), that is mounted to both sides of a tubular screed bar (2) and a fastener (30) extending through said screed bar (2) and secured to said mounting bracket (9), in order to removably secure the screed bar to a frame.

Claim 10 lacks an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Naser et al. Haivala in view of Rijkers discloses a concrete screed having a tubular screed bar, but does

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US05/03531

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

not disclose the use of a reinforcement device completely filling the 1<sup>st</sup> chamber.

However, Naser et al. teaches it is known to provide tubular screed bars (12) with a reinforcement device (24), that substantially fills the tubular screed bar, thereby increasing the rigidity of the screed bar.

Claims 13, 14, 21 lacks an inventive step under PCT Article 33(3) as being obvious over Haivala in view of Rijkers and further in view of Record # 5,980,154. Haivala in view of Rijkers discloses a screed having a tubular screed bar but does not disclose the use of "quick connect" couplings. However, Record teaches it is advantageous to attach screed bars (30) to a frame assembly (21); in order to expedite changing a worn or broken screed bar.

Claims 6, 7, 11, 12, 18-20, 22 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the specific structure of the shoes and associated hardware, necessary to releasably secure the screed bar to the frame, as claimed.

Claims 1-23 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.